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PATENT  
Customer No. 22,852  
Attorney Docket No. 9453.0002-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
)  
Kurtis C. KELLEY et al. ) Group Art Unit: Unknown  
)  
Application No.: 10/798,875 ) Examiner: Unknown  
)  
Filed: March 12, 2004 )  
)  
For: BATTERY INCLUDING CARBON )  
FOAM CURRENT COLLECTORS )

**Mail Stop Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**PETITION TO MAKE SPECIAL**

Applicants hereby petition the Commissioner of Patents under M.P.E.P. § 708.02 (V) and/or M.P.E.P. § 708.02 (VI) to make this application special. The battery of the above-cited application can both materially enhance the quality of the environment, by contributing to the maintenance of air, water, and soil, and materially contribute to the more efficient utilization and conservation of energy resources.

Embodiments of the disclosed battery can enable technology for reducing pollutants expelled into the atmosphere. Embodiments of the disclosed battery replace the traditional lead current collectors of lead acid batteries with a lightweight, inert, high-surface area current collectors made from carbon foam. These carbon foam current collectors can provide significant increases in specific energy and specific power values as compared to conventional batteries. These increases may render the present

battery suitable for providing the needed electrical energy in the new generation of Super Ultra Low Emission Vehicles (SULEV), which have near-zero values of harmful emissions. In this manner, the present battery directly contributes to the reduction of harmful emissions into the atmosphere.

Embodiments of the disclosed battery can also reduce hazardous waste, in the form of toxic lead, deposited into the soil. By replacing traditional lead grids with grids including carbon foam, embodiments of the present battery can offer a significant reduction in lead, as compared to certain traditional batteries. While a certain portion of batteries are currently recycled, many batteries are disposed of in landfills or other sites. Therefore, the reduced amount of lead in the present battery can translate into a reduction in the hazardous lead deposited in the soil at landfills. Further, even for recycled batteries, the lower amount of lead in the present battery can reduce the risk of lead exposure to handlers of the recycled batteries.

Additionally, embodiments of the disclosed battery can contribute to the more effective use of energy sources including fossil fuels. As noted above, a significant use for the present battery may be found in hybrid vehicles. By providing the electrical energy required by these hybrid vehicles, the present battery can directly contribute to the more efficient utilization of energy resources, such as fossil fuel.

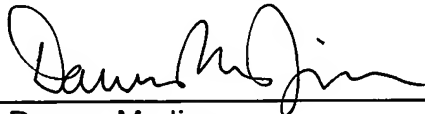
Applicants respectfully submit that in view of the foregoing, this application should qualify for a special designation, as outlined in M.P.E.P. §§ 708.02 (V) and/or 708.02 (VI). Accordingly, Applicants request that this Petition to Make Special be granted.

Applicants have enclosed a check for \$130.00 to cover the fee for this Petition as set forth in 37 C.F.R. § 1.17(h). If any additional fee is required in connection with the filing of this Petition, please charge that fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: June 4, 2004

By:   
Darren M. Jiron  
Reg. No. 45,777